

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 106

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO COMMUNITY COLLEGES; AMENDING CHAPTER 21, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-2104A, IDAHO CODE, TO REQUIRE THAT COMMUNITY COLLEGE TRUSTEE SUBDISTRICTS BE FORMED, TO PROVIDE REQUIREMENTS FOR ESTABLISHING COMMUNITY COLLEGE TRUSTEE SUBDISTRICTS, TO PROVIDE DUTIES OF THE BOARD OF TRUSTEES FOR ESTABLISHING THE BOUNDARIES OF COMMUNITY COLLEGE TRUSTEE SUBDISTRICTS, TO PROVIDE DUTIES OF THE COUNTY CLERK FOR COOPERATING IN THE ESTABLISHMENT OF COMMUNITY COLLEGE TRUSTEE SUBDISTRICTS, TO PROVIDE FOR THE ESTABLISHMENT OF MUNICIPAL SUBDISTRICTS IN CERTAIN CIRCUMSTANCES AND TO DEFINE THE BOUNDARIES OF SUCH MUNICIPAL SUBDISTRICTS; AMENDING SECTION 33-2106, IDAHO CODE, TO REVISE AND TO PROVIDE ADDITIONAL PROVISIONS RELATING TO THE ELECTION OF TRUSTEES AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING CHAPTER 21, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-2106A, IDAHO CODE, TO PROVIDE APPLICATION OF CAMPAIGN REPORTING LAW TO COMMUNITY COLLEGE DISTRICT TRUSTEE ELECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 21, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-2104A, Idaho Code, and to read as follows:

33-2104A. FORMATION OF COMMUNITY COLLEGE TRUSTEE SUBDISTRICTS AND MUNICIPAL SUBDISTRICTS. (1) Except as otherwise provided in subsection (2) of this section, community college districts formed before the effective date of this act shall be divided into five (5) trustee subdistricts on or before July 1, 2012, and community college districts formed on or after the effective date of this act shall be divided into five (5) trustee subdistricts immediately upon formation or as soon as practicable. The board of trustees shall establish the boundaries of trustee subdistricts, which shall be as nearly equal in population as practicable, provided that the total population deviation shall not exceed ten percent (10%). The county clerk of the county in which the community college district is situated, or of the home county in the event a community college district is situated within two (2) or more counties, shall cooperate with the board of trustees of the community college district in establishing trustee subdistricts.

(2) A board of trustees may divide a community college district into three (3) trustee subdistricts and one (1) municipal subdistrict if:

(a) Within the corporate limits of a city there is a population greater than forty percent (40%) of the total population of the community college district in which such city is located; or

(b) Within the corporate limits of two (2) or more cities that are adjoined by a common border there is a combined population greater than

1 forty percent (40%) of the total population of the community college
2 district in which such cities are located.

3 (3) The boundaries of a municipal subdistrict shall be identical to the
4 boundaries of a qualifying city or of qualifying adjoining cities, as such
5 qualifications are described in paragraphs (a) and (b) of subsection (2) of
6 this section.

7 (4) The boundaries of community college trustee subdistricts shall be
8 revised by the board of trustees at least once every ten (10) years.

9 SECTION 2. That Section 33-2106, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 33-2106. TRUSTEES OF COMMUNITY COLLEGE DISTRICTS. (1) The board of
12 trustees of each community college district shall consist of five (5) school
13 electors residing in the district who shall be appointed or elected as herein
14 provided.

15 (a) Immediately following the establishment of a community college
16 district and the formation of subdistricts, the state board of educa-
17 tion shall appoint the members of the first board, who shall serve until
18 the election and qualification of their successors.

19 (b) At the first election of trustees after the creation of a district,
20 five (5) trustees shall be elected: two (2) for terms of two (2) years
21 each, and three (3) for terms of four (4) years each. Thereafter the
22 successors of persons so elected shall be elected for terms of four (4)
23 years.

24 (c) Excluding any first election of trustees after the creation of a
25 district, at any other election of trustees held in 2008, and in each
26 trustee election thereafter, trustees shall be elected to terms of four
27 (4) years. If more than two (2) trustee positions are eligible for elec-
28 tion in 2008, one (1) trustee shall be elected to a term of four (4) years
29 and two (2) trustees shall be elected to a term of six (6) years. There-
30 after the successors of persons so elected in 2008 shall be elected for
31 terms of four (4) years.

32 (d) At the election of trustees held in 2012, and in each trustee elec-
33 tion thereafter, not more than one (1) of the community college trustees
34 shall be a resident of the same trustee subdistrict, except as otherwise
35 provided in paragraphs (e) and (f) of this subsection.

36 (e) If a community college district has been divided into three (3)
37 trustee subdistricts and one (1) municipal subdistrict pursuant to the
38 provisions of section 33-2104A(2), Idaho Code, then not more than one
39 (1) of the community college trustees shall be a resident of the same
40 trustee subdistrict and two (2) of the community college trustees shall
41 each be a resident of the municipal subdistrict.

42 (f) An incumbent trustee serving an unexpired term in 2012 may serve
43 as trustee until his or her term expires. Thereafter, trustees shall
44 be residents of the community college trustee subdistrict or municipal
45 subdistrict as required in paragraphs (d) and (e) of this subsection.

46 (g) All trustees shall be elected at large within the community college
47 district.

48 (h) The expiration of any term shall be at the regular meeting of the
49 trustees next following the election for the successor terms.

(2) Elections of trustees of community college districts shall be biennially in even-numbered years, and shall be held on a date authorized in section 34-106, Idaho Code. Vacancies on the board of trustees shall be filled by appointment by the remaining members, but if by reason of vacancies there remains on the board less than a majority of the required number of members, appointment to fill such vacancies shall be made by the state board of education. Any person so appointed shall serve until the next trustee election, at which time his successor shall be elected for the unexpired term. The trustees shall take and subscribe the oath of office required in the case of state officers and said oath shall be filed with the secretary of state.

(3) Notice of the election, the conduct thereof, the qualification of electors and the canvass of returns shall be as prescribed in chapter 14, title 34, Idaho Code.

(4) The person or persons, equal in number to the number of trustees to be elected for regular or unexpired terms, receiving the largest number of votes shall be declared elected. An individual shall be a candidate for a specific position of the board and each candidate must declare which position he seeks on the board of trustees. If it be necessary to resolve a tie between two (2) or more persons, the board of trustees shall determine by lot which thereof shall be declared elected. The clerk of the board shall promptly notify any person by mail of his election, enclosing a form of oath to be subscribed by him as herein provided.

(5) When elections held pursuant to this section coincide with other elections held by the state of Idaho or any subdivision thereof, or any municipality or school district, the board of trustees may make agreement with the body holding such election for joint boards of election and the payment of fees and expenses of such boards of election on such proportionate basis as may be agreed upon.

(6) At its first meeting following the appointment of the first board of trustees, and at the first regular meeting following any community college trustee election, the board shall organize, and shall elect one (1) of its members chairman, one (1) a vice-chairman; and shall elect a secretary and a treasurer, who may be members of the board; or one (1) person to serve as secretary and treasurer, who may be a member of the board.

(7) The board shall set a given day of a given week in each month as its regular meeting time. Three (3) members of the board shall constitute a quorum for the transaction of official business.

(8) The authority of trustees of community college districts shall be limited in the manner prescribed in section 33-507, Idaho Code.

SECTION 3. That Chapter 21, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-2106A, Idaho Code, and to read as follows:

33-2106A. APPLICATION OF CAMPAIGN REPORTING LAW TO COMMUNITY COLLEGE DISTRICT TRUSTEE ELECTIONS. The provisions of sections 67-6601 through 67-6616 and 67-6623 through 67-6630, Idaho Code, insofar as they relate to the reporting of campaign contributions and expenditures are hereby made applicable to all elections for community college district trustees, except that the clerk of the district court shall stand in place of the secretary of state.